

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No: 07-1811

TOLEDO MACK SALES & SERVICE, INC.,

Appellant

v.

MACK TRUCKS, INC.

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 02-cv-4373)

District Judge: Honorable Ronald L. Buckwalter

Argued March 5, 2008

Before: BARRY, JORDAN, and HARDIMAN, *Circuit Judges*.

JUDGMENT

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was argued on March 5, 2008. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the February 20, 2007 final order of the District Court granting Appellee Mack Trucks, Inc.'s motion for judgment as a matter of law on Appellant Toledo Mack Sales and Service, Inc.'s claim under Section 1 of the Sherman Antitrust Act is hereby VACATED AND REMANDED; it is further ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED in all

other respects, all of the above in accordance with the opinion of this Court. Each party shall bear its own costs.

ATTEST:

/s/Marcia M. Waldron
Clerk

Dated: June 17, 2008

smw/cc: Robert L. Byer, Esq.
David A. Degnan, Esq.
Wayne A. Mack, Jr., Esq.
James M. Parks, Esq.
James H. Steigerwald, Esq.
Barbara W. Mather, Esq.


Certified ~~as a true copy~~ and issued in lieu
of a formal mandate on 07/28/08
Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit